

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RST (2005) INC.,

Plaintiff,

v.

RESEARCH IN MOTION LIMITED,

Defendant.

Case No.: 07 Civ. 3737 (VM)

**CIVIL CASE MANAGEMENT
PLAN AND SCHEDULING
ORDER**

This Scheduling Order and Case Management Plan is adopted in accordance with Fed. R. Civ. P. 16-26(f).

1. This case is to be tried to a jury.
2. Joinder of additional parties to be accomplished by September 25, 2007.
3. Amended pleadings may be filed without leave of the Court until September 25, 2007.
4. Initial disclosure pursuant to Fed. R. Civ. P. 26(a)(1) to be completed within fourteen (14) days of the date of the parties' conference pursuant to Rule 26(f), specifically by not later than August 10, 2007.
5. All fact discovery is to be completed either:
 - a. Within one hundred twenty (120) days of the date of this Order, specifically by not later than _____; or
 - b. Within a period exceeding 120 days, with the Court's approval, if the case presents unique complexities or other exceptional circumstances, specifically by not later than February 22, 2008.
6. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties are certain that they can still meet the discovery completion date ordered by the Court.
 - a. Initial requests for production of documents to be served by August 27, 2007.
 - b. Interrogatories to be served by all party by September 25, 2007.
 - c. Depositions to be completed by January 23, 2008.

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- i. Unless the parties agree or the Court so orders, depositions are not to be held until all parties have responded to initial requests for document production.
 - d. Any additional contemplated discovery activities and the anticipated completion date.

 - e. Requests to Admit to be served no later than February 22, 2008.
7. On or about December 15, 2007, the parties shall meet and confer as to whether either intends to designate an expert. All expert discovery (ordinarily conducted following the completion of fact discovery) including parties' expert reports and depositions, witness lists and identification of documents pursuant to Fed. R. Civ. P. 26(a)(2), (3) and 35(b), is to be completed by:
- a. Plaintiff March 24, 2008
 - b. Defendant March 24, 2008
8. Contemplated motions:
- a. Plaintiff: Summary Judgment (to be filed no later than June 27, 2008)
 - b. Defendant: Summary Judgment (to be filed no later than June 27, 2008)
9. Following all discovery, all counsel must meet for at least one hour to discuss settlement, such conference to be held by not later than April 15, 2008.
10. Do all parties consent to trial by a Magistrate Judge under 28 U.S.C. § 636(c)?
- Yes ☐ No ☒

TO BE COMPLETED BY THE COURT:

11. The next Case Management Conference is scheduled for 3-7-08 at 2:00 p.m.
12. In the event the case is to proceed to trial, a firm trial date and the deadline for submission of the Joint Pretrial Order and related documents shall be scheduled at the pretrial conference following either the completion of all discovery or the Court's ruling on any dispositive motion.

The Joint Pretrial Order should be prepared in accordance with Judge Marrero's Individual Practices. If this action is to be tried before a jury, proposed voir dire and jury instructions shall be filed with the Joint Pretrial Order. No motion for summary judgment shall be served after the deadline fixed for the Joint Pretrial Order.

SO ORDERED

Dated: New York, New York

27 July, 2007


VICTOR MARRERO
U.S.D.J.